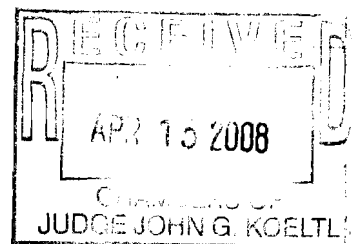


STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO
Attorney General

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

(212) 416-6295

April 15, 2008

BY FACSIMILE

Honorable John G. Koeltl
United State Courthouse
Southern District of New York
500 Pearl Street, Rm. 1030
New York, New York 10007

**APPLICATION GRANTED
SO ORDERED**

4/15/08 [Signature]
John G. Koeltl, U.S.D.J.

Re: Samuel Davis v. Rhoomes, et al. / 07 Cv. 6592 (JGK)

Dear Judge Koeltl:

I represent defendants Diane Van Buren, Robert Jones, Catherine Jacobsen, Captain Gene Niles, Lieutenant Faliski, Sergeant Degnan, and Correction Officers Rhoomes, Andino and Korines in this matter. I write to request an extension of time by which the defendants must move or answer with respect to the amended complaint from April 17, 2008 to May 15, 2008. This is defendants' second request for an extension of time. Plaintiff pro se has not been contacted for his consent as he is presently incarcerated.

At the time of defendants' initial request to the Court requesting an extension until April 17, 2008 to file answering papers, defendants Jacobsen, Kornies and Niles had not been served and plaintiff had until March 24, 2008 to complete service. Subsequent to the Court granting my request, plaintiff requested and received an extension until April 30, 2008 to complete service. Accordingly, I anticipated my answering papers being due in May and scheduled them accordingly, anticipating that I would request additional time when I received the request for representation in early May. Yesterday, I learned that defendants Jacobsen, Kornies and Niles had been served, when I received their requests for representation from this Office, pursuant to New York State Public Officers Law § 17.


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As set forth in my correspondence to the Court dated March 5, 2008, at this time, defendants believe that a motion to dismiss may be appropriate as to several of the defendants. Defendants were not able to finalize their motion to dismiss until all defendants had been served. Defendants are also waiting to receive the necessary files and documents relevant to the claims raised in this case in order to analyze the case properly and draft their motion, especially based on plaintiff's attachment of numerous documentary exhibits (38 exhibits) to his amended complaint.

Wherefore, it is respectfully requested that defendants' time to move or answer with respect to the amended complaint be extended to May 15, 2008.

Respectfully submitted,


MARIA BAROUS HARTOFILIS
Assistant Attorney General

cc: Samuel Davis
Plaintiff - Pro Se
By first class mail